

**GOIDEL & SIEGEL, LLP**

ATTORNEYS AT LAW

**56 WEST 45<sup>TH</sup> STREET, 3<sup>RD</sup> FLOOR  
NEW YORK, NY 10036**

**TELEPHONE (212) 840-3737**

**FACSIMILE (212) 840-3793**

JONATHAN M. GOIDEL  
ANDREW B. SIEGEL\*

Stacy Klozow  
Stephen Nappi  
Farimah Ghaffari

\*also admitted in CT

July 7, 2017

**VIA FIRST-CLASS MAIL**

**XYZ Corp. d/b/a Midnight Fleet  
2600 Emmons Avenue  
Brooklyn, New York 11235**

**Jeffrey Nagler  
2600 Emmons Avenue  
Brooklyn, New York 11235**

**Re: Ira Brown v. XYZ Corp. d/b/a Midnight Fleet, et al  
Index No.: 508220/2017**

**Dear Sir/Madam:**

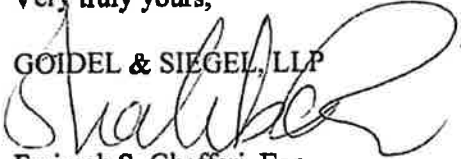
Please be advised that more than thirty days have elapsed since you were served with a Summons and Complaint in the above-referenced action. Despite the foregoing, you have failed and refused to interpose an answer, thus rendering you in default of your obligations.

Please be further advised that a motion to obtain a default judgement against you, pursuant to CPLR 3215, will be filed with the Supreme Court, Kings County if we do not receive an answer on your behalf within twenty (20) days of the date of this letter.

A copy of the Summons and Complaint is enclosed herewith. If you have any questions, please contact the undersigned.

Very truly yours,

GOIDEL & SIEGEL, LLP

  
Farimah S. Ghaffari, Esq.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

IRA BROWN,

Plaintiff,

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and  
JEFFREY NAGLER,

Defendants.

Index No.: 508220/2017

Date purchased: 4/27/2017

**SUMMONS**

Plaintiff designates

Kings

County as the place of trial

The basis of venue is

Plaintiff's residence

Plaintiff resides at

4373 Bedford Avenue

Brooklyn, New York

To the above-named Defendants:

**YOU ARE HEREBY SUMMONED** to answer, or, if the complaint is not served with this summons, to serve notice of appearance, on the Plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: April 27, 2017

Defendants' address:

XYZ Corp. d/b/a Midnight Fleet  
2600 Emmons Avenue  
Brooklyn, NY 11235

Jeffrey Nagler  
2600 Emmons Avenue  
Brooklyn, NY 11235



Farimah S. Ghaffari, Esq.

**GOIDEL & SIEGEL, LLP**

Attorneys for Plaintiff

56 West 45<sup>th</sup> Street, Third Floor

New York, New York 10036

Tel No.: (212) 840-3737

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
IRA BROWN,

Plaintiff,

Index No.: 50 8220/2017

COMPLAINT

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and  
JEFFREY NAGLER,

Defendants.  
-----X

Plaintiff, IRA BROWN ("Plaintiff"), by his attorneys, Goidel & Siegel, LLP, for his complaint against Defendants, XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER (hereinafter collectively referred to as the "Defendants"), respectfully alleges as follows:

1. On August 24, 2016, Plaintiff was a resident of the State of New York, residing at 4373 Bedford Avenue, Brooklyn, New York.
2. On August 24, 2016, upon information and belief, XYZ CORP. d/b/a MIDNIGHT FLEET was the owner of Captain Midnight, (the "Location") located at 2600 Emmons Avenue, Brooklyn, New York.
3. On August 24, 2016, upon information and belief, JEFFREY NAGLER was the owner of Location.
4. On August 24, 2016, Plaintiff was lawfully inside the Location.

FIRST CAUSE OF ACTION AGAINST DEFENDANTS

5. Plaintiff repeats and reiterates the allegations set forth in paragraphs "1" through "4" with the same force and effect as if each was fully set forth herein.
6. On August 24, 2016, while lawfully inside the Location, Plaintiff was caused to fall ("the Incident") as a result of a dangerous condition ("the Defect") existing on a

staircase ("the Staircase") of the Location.

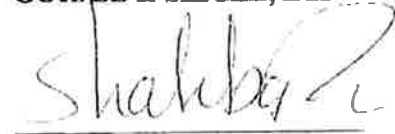
7. The incident occurred solely as a result of the Defect.
8. Defendants were responsible for the care, maintenance, repair, and control of the Location, inclusive of the Staircase.
9. Defendants failed to properly care for, maintain, repair, and control the Location, inclusive of the Staircase.
10. On August 24, 2016, Defendants had prior notice of the Defect.
11. On August 24, 2016, Defendants failed to remedy and/or repair the Defect of which they had prior notice.
12. Defendants' failure to properly and adequately remedy and/or repair the Defect, of which they had prior notice, was negligent.
13. On or before August 24, 2016, Defendants caused and/or created the Defect.
14. On August 24, 2016, Defendants failed to remedy and/or repair the Defect that they caused and/or created.
15. Defendants' failure to properly and adequately remedy and/or repair the Defect they caused and/or created was negligent.
16. As a result of Defendants' negligence, Plaintiff sustained severe, serious and permanent injuries.
17. As a result of the incident caused by Defendants' negligence, without any contributory negligence on the part of Plaintiff, Defendants are liable to Plaintiff in an amount in excess of the jurisdictional limits of all inferior courts plus interest, costs, and disbursements.

**WHEREFORE**, Plaintiff demands judgment against Defendants on first cause of action for an amount of damages in excess of the jurisdictional limit of all inferior trial courts of this State, plus interest, costs and disbursements, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
April 27, 2017

Yours, etc.,

**GOIDEL & SIEGEL, LLP**

A handwritten signature in dark ink, appearing to read 'Shahbazz', is written over a horizontal line.

By: Farimah S. Ghaffari, Esq.  
**GOIDEL & SIEGEL, LLP**  
Attorneys for Plaintiff  
Office and Post Office Address  
56 West 45th Street, 3<sup>rd</sup> Floor  
New York, New York 10036  
(212) 840-3737

---

Index No.	Year
SUPREME COURT OF THE STATE OF NEW YORK	
COUNTY OF KINGS	

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IRA BROWN,

Plaintiff,

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER,

Defendants.

---

SUMMONS & COMPLAINT

---

**GOIDEL & SIEGEL, LLP**  
Attorney(s) for **PLAINTIFF**  
Office and post Office Address, Telephone  
**56 WEST 45<sup>th</sup> STREET**  
**NEW YORK, NEW YORK 10036**  
**(212) 840-3737**  
**FAX: (212) 840-3793**

---

To  
Attorney(s) for

---

Service of copy of the within  
Dated,

is hereby admitted.

Attorney(s) for

---

**Sir: Please take notice**

☐ **NOTICE OF ENTRY**

that the within is a (certified) true copy of a  
duly entered in the office of the clerk of the within named court on

19

☐ **NOTICE OF SETTLEMENT**

that an order  
settlement to the HON.

of which the within is a true copy will be presented for  
one of the judges

of the within named Court, at  
on the day of

at M.

Dated,

Yours, etc.

**GOIDEL & SIEGEL, LLP**  
Attorney(s) for  
Office and post Office Address, Telephone  
**56 WEST 45<sup>th</sup> STREET**  
**NEW YORK, NEW YORK 10036**  
**(212) 840-3737**  
**FAX: (212) 840-3793**

To

Attorney(s) for

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

-----x  
IRA BROWN

Plaintiff/Petitioner,

-against-

Index No. 508220/2017

XYZ CORP d/b/a MIDNIGHT FLEET, JEFFREY  
NAGLER

Defendant/Respondent.  
-----x

**NOTICE OF COMMENCEMENT OF ACTION SUBJECT  
TO MANDATORY ELECTRONIC FILING**

PLEASE TAKE NOTICE that the matter captioned above has been commenced as an electronically filed case in the New York State Courts Electronic Filing System ("NYSCEF") as required by CPLR § 2111 and Uniform Rule § 202.5-bb (mandatory electronic filing). This notice is being served as required by that rule.

NYSCEF is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and unrepresented litigants who have consented to electronic filing.

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the County Clerk and the court and served on other parties simply, conveniently, and quickly. NYSCEF case documents are filed with the County Clerk and the court by filing on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. The documents are served automatically on all consenting e-filers as soon as the document is uploaded to the website, which sends out an immediate email notification of the filing.

The NYSCEF System charges no fees for filing, serving, or viewing the electronic case record, nor does it charge any fees to print any filed documents. Normal filing fees must be paid, but this can be done on-line.

**Parties represented by an attorney:** An attorney representing a party who is served with this notice must either: 1) immediately record his or her representation within the e-filed matter on the NYSCEF site; or 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements. [Section 202.5-bb(e)]

**Parties not represented by an attorney:** Unrepresented litigants are exempt from e-filing. They can serve and file documents in paper form and must be served with documents in paper form. However, an unrepresented litigant may participate in e-filing.



For information on how to participate in e-filing, unrepresented litigants should contact the appropriate clerk in the court where the action was filed or visit [www.nycourts.gov/efileunrepresented](http://www.nycourts.gov/efileunrepresented). Unrepresented litigants also are encouraged to visit [www.nycourthelp.gov](http://www.nycourthelp.gov) or contact the Help Center in the court where the action was filed. An unrepresented litigant who consents to e-filing may cease participation at any time. However, the other parties may continue to e-file their court documents in the case.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 646- 386-3033; e-mail: [efile@nycourts.gov](mailto:efile@nycourts.gov)).

Dated: 04/27/2017

  
Signature

FARIMAH SHAHBAZI GHAFFARI  
Name

  
Firm Name

56 W 45th Street  
Address

New York, NY 10036  
City, State, and Zip

212-840-3737  
Phone

[fghaffari@goidelandsiegel.com](mailto:fghaffari@goidelandsiegel.com)  
E-Mail

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9/3/15

Index #

Page 2 of 2

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**GOIDEL & SIEGEL, LLP**

ATTORNEYS AT LAW

**56 WEST 45<sup>TH</sup> STREET, 3<sup>RD</sup> FLOOR  
NEW YORK, NY 10036**

**TELEPHONE (212) 840-3737**

**FACSIMILE (212) 840-3793**

JONATHAN M. GOIDEL  
ANDREW B. SIEGEL\*

Stacy Klozow  
Stephen Nappi  
Farimah Ghaffari

\*also admitted in CT

August 7, 2017

**VIA FIRST-CLASS MAIL**

XYZ Corp. d/b/a Midnight Fleet  
2600 Emmons Avenue  
Brooklyn, New York 11235

Jeffrey Nagler  
2840 Ocean Parkway, Apt. 1F  
Brooklyn, NY 11224

Re: Ira Brown v. XYZ Corp. d/b/a Midnight Fleet, et al  
Index No.: 508220/2017

Dear Sir/Madam:

Please be advised that more than thirty days have elapsed since you were served with a Summons and Complaint in the above-referenced action. Despite the foregoing, you have failed and refused to interpose an answer, thus rendering you in default of your obligations.

Please be further advised that a motion to obtain a default judgement against you, pursuant to CPLR 3215, will be filed with the Supreme Court, Kings County if we do not receive an answer on your behalf within twenty (20) days of the date of this letter.

A copy of the Summons and Complaint is enclosed herewith. If you have any questions, please contact the undersigned.

Very truly yours,

GOIDEL & SIEGEL, LLP

Farimah S. Ghaffari, Esq.

FILED: KINGS COUNTY CLERK 04/27/2017 11:28 AM

NYSCEF DOC. NO. 1

INDEX NO. 508220/2017

RECEIVED NYSCEF: 04/27/2017

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

IRA BROWN,

Plaintiff,

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and  
JEFFREY NAGLER,

Defendants.

Index No.:

Date purchased:

**SUMMONS**

Plaintiff designates

Kings

County as the place of trial

The basis of venue is

Plaintiff's residence

Plaintiff resides at

4373 Bedford Avenue

Brooklyn, New York

To the above-named Defendants:

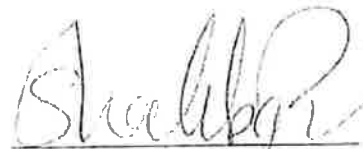
**YOU ARE HEREBY SUMMONED** to answer, or, if the complaint is not served with this summons, to serve notice of appearance, on the Plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: April 27, 2017

Defendants' address:

XYZ Corp. d/b/a Midnight Fleet  
2600 Emmons Avenue  
Brooklyn, NY 11235

Jeffrey Nagler  
2600 Emmons Avenue  
Brooklyn, NY 11235



Farimah S. Ghaffari, Esq.

**GOIDEL & SIEGEL, LLP**

Attorneys for Plaintiff

56 West 45<sup>th</sup> Street, Third Floor

New York, New York 10036

Tel No.: (212) 840-3737

**FILED: KINGS COUNTY CLERK 04/27/2017 11:28 AM**

NYSCEF DOC. NO. 1

INDEX NO. 508220/2017

RECEIVED NYSCEF: 04/27/2017

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
IRA BROWN,

Plaintiff,

Index No.:

**COMPLAINT**

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and  
JEFFREY NAGLER,

Defendants.  
-----X

Plaintiff, IRA BROWN ("Plaintiff"), by his attorneys, Goidel & Siegel, LLP, for his complaint against Defendants, XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER (hereinafter collectively referred to as the "Defendants"), respectfully alleges as follows:

1. On August 24, 2016, Plaintiff was a resident of the State of New York, residing at 4373 Bedford Avenue, Brooklyn, New York.
2. On August 24, 2016, upon information and belief, XYZ CORP. d/b/a MIDNIGHT FLEET was the owner of Captain Midnight, (the "Location") located at 2600 Emmons Avenue, Brooklyn, New York.
3. On August 24, 2016, upon information and belief, JEFFREY NAGLER was the owner of Location.
4. On August 24, 2016, Plaintiff was lawfully inside the Location.

**FIRST CAUSE OF ACTION AGAINST DEFENDANTS**

5. Plaintiff repeats and reiterates the allegations set forth in paragraphs "1" through "4" with the same force and effect as if each was fully set forth herein.
6. On August 24, 2016, while lawfully inside the Location, Plaintiff was caused to fall ("the Incident") as a result of a dangerous condition ("the Defect") existing on a

**FILED: KINGS COUNTY CLERK 04/27/2017 11:28 AM**

NYSCEF DOC. NO. 1

INDEX NO. 508220/2017

RECEIVED NYSCEF: 04/27/2017

staircase ("the Staircase") of the Location.

7. The incident occurred solely as a result of the Defect.
8. Defendants were responsible for the care, maintenance, repair, and control of the Location, inclusive of the Staircase.
9. Defendants failed to properly care for, maintain, repair, and control the Location, inclusive of the Staircase.
10. On August 24, 2016, Defendants had prior notice of the Defect.
11. On August 24, 2016, Defendants failed to remedy and/or repair the Defect of which they had prior notice.
12. Defendants' failure to properly and adequately remedy and/or repair the Defect, of which they had prior notice, was negligent.
13. On or before August 24, 2016, Defendants caused and/or created the Defect.
14. On August 24, 2016, Defendants failed to remedy and/or repair the Defect that they caused and/or created.
15. Defendants' failure to properly and adequately remedy and/or repair the Defect they caused and/or created was negligent.
16. As a result of Defendants' negligence, Plaintiff sustained severe, serious and permanent injuries.
17. As a result of the incident caused by Defendants' negligence, without any contributory negligence on the part of Plaintiff, Defendants are liable to Plaintiff in an amount in excess of the jurisdictional limits of all inferior courts plus interest, costs, and disbursements.

**FILED: KINGS COUNTY CLERK 04/27/2017 11:28 AM**

NYSCEF DOC. NO. 1

INDEX NO. 508220/2017

RECEIVED NYSCEF: 04/27/2017

**WHEREFORE**, Plaintiff demands judgment against Defendants on first cause of action for an amount of damages in excess of the jurisdictional limit of all inferior trial courts of this State, plus interest, costs and disbursements, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
April 27, 2017

Yours, etc.,

**GOIDEL & SIEGEL, LLP**



By: Farimah S. Ghaffari, Esq.  
GOIDEL & SIEGEL, LLP  
Attorneys for Plaintiff  
Office and Post Office Address  
56 West 45th Street, 3<sup>rd</sup> Floor  
New York, New York 10036  
(212) 840-3737

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NYSCEF DOC. NO. 1

INDEX NO. 508220/2017

RECEIVED NYSCEF: 04/27/2017

Index No. Year  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

IRA BROWN,

Plaintiff.

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER,

Defendants.

**SUMMONS & COMPLAINT**

**GOIDEL & SIEGEL, LLP**  
Attorney(s) for **PLAINTIFF**  
Office and post Office Address, Telephone  
**56 WEST 45<sup>th</sup> STREET**  
**NEW YORK, NEW YORK 10036**  
(212) 840-3737  
FAX: (212) 840-3793

To  
Attorney(s) for

Service of copy of the within  
Dated,

is hereby admitted.

Attorney(s) for

Sir: Please take notice

☐ **NOTICE OF ENTRY**

that the within is a (certified) true copy of a  
duly entered in the office of the clerk of the within named court on

19

☐ **NOTICE OF SETTLEMENT**

that an order  
settlement to the HON.

of which the within is a true copy will be presented for  
one of the judges

of the within named Court, at  
on the day of

at

M.

Dated,

Yours, etc.

**GOIDEL & SIEGEL, LLP**  
Attorney(s) for  
Office and post Office Address, Telephone  
**56 WEST 45<sup>th</sup> STREET**  
**NEW YORK, NEW YORK 10036**  
(212) 840-3737  
FAX: (212) 840-3793

To

Attorney(s) for



**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

-----x  
IRA BROWN

Plaintiff/Petitioner,

-against-

Index No. 508.220/2017

XYZ CORP d/b/a MIDNIGHT FLEET, JEFFREY  
NAGLER

Defendant/Respondent.  
-----x

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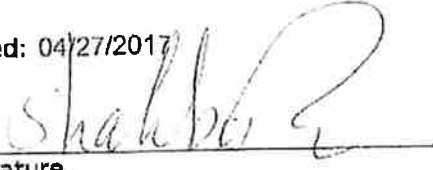
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Dated: 04/27/2017

  
Signature

FARIMAH SHAHBAZI GHAFFARI  
Name

  
Firm Name

56 W 45th Street  
Address

New York, NY 10036  
City, State, and Zip

212-840-3737  
Phone

[fgghaffari@goidelandsiegel.com](mailto:fgghaffari@goidelandsiegel.com)  
E-Mail

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9/3/15